

Board of Cosmetologist Examiners

December 7, 2015 Board Meeting Minutes

10:13 AM to 1:29 PM

Conference Room A, University Park Plaza
2829 University Ave SE, Minneapolis, MN 55414

Present at Meeting:

Laurie Boggess, Member	Gina Stauss Fast, Executive Director
Rhonda Besel, Member	Diane DelaBarre, Assistant Executive Director
Kurt Deile, Member	Catrina Mairose, Licensing Div Manager
Jodi Friendshuh, Member	Lene Kiser, Interim Compliance Div Manager
Nicki Dixon, Member	Andrew Reding, Interim Inspection Div Manager
Chelsey Bell (electronically), Member	Tami Thein, Assistant to the Executive Director
Michele Owen, Attorney	Rebecca Gaspard, Rules Analyst
	Alex Herbert, Licensing Specialist

I. Call to Order

LB: Called meeting to order at 10:13 AM.

II. Approval of Proposed Agenda

KD: Made a motion to pass the proposed agenda with flexibility.

ND: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

III. Approval of Minutes

CB: Made a motion to approve the minutes from the October 12, 2015 Board meeting.

KD: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

IV. New Business: Waivers, Public Comment, In-House Request & Rulemaking Update

A. Waiver – Marsha Allen

CM: MA is requesting a waiver of MN Rule 2105.0150 which requires a Certificate of Course Completion as proof of the initial 1550/600/350 hour course of training. MA was granted a waiver of the same rule at the July 2015 Board meeting, but because she did not become licensed within three years of completion of training. MA was given a deadline of 12/1/2015 to submit a complete application to the BCE, but MA has been unable to obtain a Certificate of Course Completion to complete her application. Licensing Committee recommend granting waiver request.

KD: Made motion to grant the request to waive the certificate of course completion as part of her application as long as all other documents are completed with application.

RB: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

B. Waiver – Diana Cruz

CM: DC is requesting a waiver of MN Rule 2105.0210, which requires individuals who have had an expired license for more than three years to complete a 155 hour refresher course. Her request is based on financial hardship. This is DC's second appearance before the Board. She was denied a waiver of the 155 hour refresher course at the October 2015 Board meeting, but wishes to appeal the Board's decision. Complaint Committee recommend granting waiver request.

KD: Made motion to adopt the Complaint committee's recommendation that DC submit application, fee, exams and 4 hour CE by 4/1/16.

JF: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

C. Waiver—Barlin Abdi

CM: BA is requesting a waiver of MN Rule 2105.0150 which requires a Certificate of Course Completion as proof of the initial 1550/600/350 hour course of training. BA was granted a waiver of the same rule at the July 2014 Board meeting and an extension of her original waiver at the October 2015 Board meeting, but because she did not become licensed within three years of completion of training. BA was given a deadline of 30 days (11/11/2015) to submit a complete application to the BCE, but she has been unable to obtain a Certificate of Course Completion to complete her application. Licensing Committee recommend granting waiver request.

KD: Made motion to adopt the Licensing Committee's recommendation to accept paperwork BA has submitted in lieu of the certificate of course completion as long as BA complies with all other requirements for application.

CB: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

D. Waiver—Akpene Tossou

CM: AT is requesting a waiver of MN Rule 2105.0210, which requires individuals who have held an inactive Cosmetology License for more than three years to complete a 155 hour refresher course. Her request is based on financial hardship.

KD: Made motion to grant the request for waiver due to financial hardship to be completed by 2/1/16.

RB: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

E. Waiver – Maria Schwartz

CM: Maria Schwartz is requesting a waiver of MN Rule 2105.0150 which requires applicants to apply for and become licensed within three years of completion of the 1550/600/350 hour course of training. This request is based on medical hardship.

RB: Made motion to grant the request for waiver due to medical hardship but must complete 155 refresher, practical and exams within one year.

JF: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

F. Waiver – Jerene Bailey

CM: JB, owner of Salon 61, is requesting a waiver of MN Rule 2105.0360, which requires salons to have hot, sanitary running water in each work area. The pedicure room in Salon 61 does not have a sink separate from the pedicure foot basin. Her request is based on financial hardship.

KD: Made motion to grant the request for waiver allowing her pedicure room to not have a sink in it with the requirement she withdraw her November 2015 application, she is relying on her September 2015, and she has to provide a updated properly labeled floor plan by 1/1/16 due to financial hardship.

ND: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

LB calls for break at 11:19AM.

LB calls for order at 11:34AM.

G. Public Comment— Continuing Education Provider Approval Fee

Dr. Carolyn Kraskey made a comment about the yearly continuing education provider approval fee. She says she has several concerns and that this fee is a burden for course providers.

H. Public Comment – High School Diploma Requirement

Georgina Davis requested a rule amendment to allow for high school students to become licensed prior to high school graduation. Since this would be a fundamental shift in the board's requirements of minimum competency and would have many implications.

I. Waiver – Clare Zweber

CM: CZ is requesting a waiver of MN Rule 2105.0200, Subp. 2, A (1) which requires applicants to have practiced in a licensed salon for at least 1,800 hours at any time within the three years of their license cycle or 400 hours per each year, or to take a 40 hour refresher course. This request is based on medical hardship.

KD: Made motion to grant waiver due to medical hardship as long as CZ takes and passes certification of skills exam by 3/1/16.

CB: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

J. Waiver – Kathryn Schendel

CM: KS is requesting a waiver of MN Rule 2105.0200, Subp. 2, A (1) which requires applicants to have practiced in a licensed salon for at least 1,800 hours at any time within the three years of their license cycle or 400 hours per each year, or to take a 40 hour refresher course. Her request is based on financial hardship.

KD: Made motion to deny waiver due to lack of documentation of hardship.

ND: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

K. Waiver – Marnie Giese

CM: MG is requesting a waiver of MN Rule 2105.0200, Subp. 2, A (1) which requires applicants to have practiced in a licensed salon for at least 1,800 hours at any time

within the three years of their license cycle or 400 hours per each year, or to take a 40 hour refresher course. This request is based on medical hardship.

KD: Made motion to grant waiver due to medical hardship and 4 hour CE completed by 3/1/16.

CB: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

L. Waiver – Diesha Robinson

CM: DR is requesting a waiver of MN Rule 2105.0150 which requires applicants to apply for and become licensed within three years of completion of the 1550/600/350 hour course of training. This request is based on financial hardship.

KD: Made motion to grant the request for waiver due to financial hardship but must complete 155 refresher, take and pass practical and exams by 12/1/16.

CB: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

M. Waiver – Pamela Adams

CM: PA is requesting a waiver of MN Rule 2110.0140 Subp. 1 (D) which requires applicants for an instructor license to have at least 1,400 hours of work experience prior to application. Her request is based on medical hardship.

RB: Made motion to grant the request for waiver provided she completes the instructor license application, fee, the 38 hour course and exams within one year time frame.

ND: Seconded. 6 Ayes, 0 Nays. **Motion Carried.**

LB calls for break at 12:27PM.

LB calls for order at 12:54PM.

N. In-House Request

CM: Statute 155A.271 requires that any professional association wishing to provide continuing education be “board recognized.” The two currently recognized professional associations were granted recognition and approval before the Board at a Board meeting. However, to streamline the recognition and approval, BCE staff would like to request that the Board delegate approval of professional associations as continuing education providers to the staff. Since statute also clarifies that the professional association be organized under Chapter 317A and requires that continuing education providers are approved on a yearly basis, staff believe they have the ability to properly recognize professional associations on behalf of the Board.

Discussion: Initial approval will still come before the Board and renewal will be delegated to Board Staff.

O. Rulemaking Update

RG: Special Board Meeting to discuss draft, review the SONAR and seek board approval with any necessary changes. January 12th, 2016.

V. ***Division Reports- Administrative Division Report, Compliance Division Report, Inspection Division Report and Licensing Division Report***

A. *Administrative Division Report*

GSF: Time change for all future Board meetings to 10:00AM, Staffing addition, Building expansion and updates, July Offsite Board Meeting and 2016 Board Meetings.

B. *Compliance Division Report*

LK: In the 2nd quarter of fiscal year 2016, a total of 34 new complaints have been filed with the Board. Board staff currently has 246 active complaints.

C. *Inspection Division Report*

AR: 151 total inspections completed from 10/13/15 – 11/25/15.

D. *Licensing Division Report*

CM: Since the July meeting, we have maintained an average processing time of about 14 business days. Once the two new Licensing Specialists are fully trained, processing time should decrease.

VI. ***Adjournment***

LB: Adjourned the meeting at 1:29PM.